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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,932	11/21/2001	Bon K. Sy	8075-2	2279

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EXAMINER

BACKER, FIRMIN

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/989,932

Applicant(s)

SY, BON K.

Examiner

FIRMN BACKER

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-14, 17-23 and 25-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-14, 17-23 and 25-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

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DETAILED ACTION

Response to Amendment

1. An amendment has been filed on July 29th, 2005.
2. Claims 1, 7, 8, 12, 14, 22, 26-29 and 32 have been amendment.
3. Claims 1-4, 6-14, 17-23 and 25-32 are pending.

Response to Arguments

4. Applicant's arguments with respect to claims 1-4, 6-14, 17-23 and 25-32 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4, 6-14, 17-23 and 25-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benson et al (U.S. Patent No. 6,334,118) in view of Hill (U.S. PG Pub No. 200/016208).

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7. As per claim 1, 6, 12, and 22 Benson et al teach a method/system for licensing time-based software comprising loading time-based software onto a client machine, wherein said time-based software submits user information to an authentication server through a network/internet, submit the user information to the authentication server, determining if the user is approved, wherein if the user is approved, the authentication server activating the time-based software for an amount of time approved (*see abstract, column 1 lines 28-42, 3 line 55-4 line 25, 14 lines 25-65*). Benson et al fail to teach a method wherein the request including the amount of time requested by the user and wherein if the user uses the time-based software for less than the amount of time approved reconnecting to the authenticating server crediting any remaining amount of time back to the authentication server. However, Hill teaches method wherein the request including the amount of time requested by the user and wherein if the user uses the time-based software for less than the amount of time approved reconnecting to the authenticating server crediting any remaining amount of time back to the authentication server (*see abstract, fig 2, 4, paragraphs 0009, 0011, 0024, 0025*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Benson et al's teaching to include Hill's method wherein the request including the amount of time requested by the user and wherein if the user uses the time-based software for less than the amount of time approved reconnecting to the authenticating server crediting any remaining amount of time back to the authentication server because this would have provide a system of continuous use by the client wherein the client get full benefit for time charge for..

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8. As per claim 2, Benson et al teach a method/system wherein if the user is not approved, further comprising the step of sending a rejection message back to the software. (*see abstract, column 1 lines 28-42, 3 line 55-4 line 25, 14 lines 25-65*).

9. As per claim 3, 13, and 23, Benson et al teach a method/system of determining if the user is approved matching the user information with a user account stored in said authentication server; and checking the user account for a time credit amount, wherein the user is approved if the user information matches the user account and the time credit amount is greater than zero (*see abstract, column 1 lines 28-42, 3 line 55-4 line 25, 14 lines 25-65*)..

10. As per claim 4 and 14, Benson et al teach a method/system wherein said user information comprises a user name, a password, and an amount of time requested (*see abstract, column 1 lines 28-42, 3 line 55-4 line 25, 14 lines 25-65*)..

11. As per claim 7, 18, and 25 Benson et al teach a method/system wherein the step of the time-based software submitting user information to the authentication server further comprises submitting order information to the authentication server, said order information comprising a software product ID and a client machine IP address (*see abstract, column 1 lines 28-42, 3 line 55-4 line 25, 14 lines 25-65*)..

12. As per claim 8, 19, and 26, Benson et al teach a method/system wherein the time-based software displays a log-in access box for requesting the user information, the log-in access box

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including a balance checking feature for allowing the user to check a total amount of time remaining in a user account (*see abstract, column 1 lines 28-42, 3 line 55-4 line 25, 14 lines 25-65*).

13. As per claim 9, 17 and 27, Benson et al teach a method/system wherein if the user is approved, further comprising the step of updating a time credit amount in the authentication server (*see abstract, column 1 lines 28-42, 3 line 55-4 line 25, 14 lines 25-65*).

14. As per claim 10, 20 and 28 Benson et al teach a method/system wherein if the time credit is greater than or equal to the amount of time requested, the amount of time approved comprises the amount of time requested (*see abstract, column 1 lines 28-42, 3 line 55-4 line 25, 14 lines 25-65*).

15. As per claim 11, 21, 29, Benson et al teach a method/system wherein if the time credit is less than the amount of time requested, the amount of time approved comprises the time credit (*see abstract, column 1 lines 28-42, 3 line 55-4 line 25, 14 lines 25-65*).

16. As per claims 30-32, Benson et al teach a method wherein the user is determined to be approved independent of a time and data the user makes the request for using the software (*see abstract, column 1 lines 28-42, 3 line 55-4 line 25, 14 lines 25-65*).

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (*see form 892*).

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

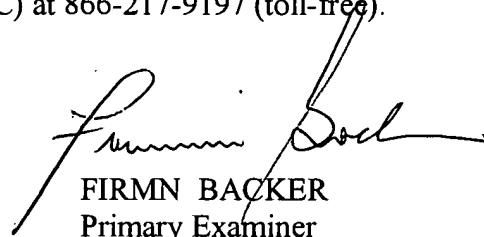
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **FIRMIN BACKER** whose telephone number is 571-272-6703. The examiner can normally be reached on Monday - Thursday 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



FIRMN BACKER
Primary Examiner
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September 29, 2005